



1 **MACDONALD | FERNANDEZ LLP**
2 Reno F.R. Fernandez III (SBN 251934)
3 221 Sansome Street, Third Floor
4 San Francisco, CA 94104
5 Telephone: (415) 362-0449
6 Facsimile: (415) 392-5544

The following constitutes the order of the Court.
Signed: November 10, 2021

Stephen Johnson

Stephen L. Johnson
U.S. Bankruptcy Judge

8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 In re
11 **EVANDER FRANK KANE,**
12 Debtor.

Case No. 21-50028-SLJ-7

Chapter 7

R.S. No. MF-1

13 **ORDER GRANTING RACHEL KUECHLE'S**
14 **MOTION FOR LIMITED RELIEF FROM**
15 **THE AUTOMATIC STAY**

Date: November 9, 2021

Time: 10:00 a.m.

Place: Via Zoom Video Conference

Honorable Stephen L. Johnson

19 A hearing on Rachel Kuechle's Motion for Limited Relief from the Automatic Stay (Docket
20 No. 242) was held on November 9, 2021. Reno F.R. Fernandez III appeared for Rachel Kuechle,
21 Movant herein; Ryan A. Witthans appeared for Evander Frank Kane, Debtor herein. The Court,
22 having considered the Motion and all evidence, representation and argument offered in connection
23 therewith, including the Debtor's Statement Regarding Motion for Relief from Stay (Docket No.
24 247), the Trustee's Non-Opposition to Rachel Kuechle's Motion for Relief from the Automatic Stay
25 (Docket No. 246), and the Movant's Notice of Errata to Memorandum of Points and Authorities
26 (Docket No. 248), for the reasons stated on the record, and good cause appearing,

27 **IT IS HEREBY ORDERED** that:

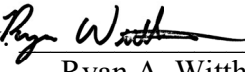
- 28 1. The Motion is **GRANTED** to the extent provided herein;

1 2. The automatic stay provided in Bankruptcy Code § 362(a) is hereby modified such
2 that the movant, namely Rachel Kuechle, may prosecute to judgment that certain action before the
3 State of New York Supreme Court, County of Erie, now pending as *Kuechle v. Kane*, Index No.
4 807030/2016, but only as to her fourth cause of action for negligent injury; and

5 3. Notwithstanding the foregoing, Ms. Kuechle may not enforce any resulting judgment,
6 award or order against the Debtor or the estate absent further order of this Court.

7 APPROVED AS TO FORM:

8 FINESTONE HAYES LLP

9 By: 
10 Ryan A. Witthans
11 Counsel for Debtor,
12 Evander Frank Kane

13 *** END OF ORDER ***
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT SERVICE LIST

All parties required to be served are registered CM/ECF participants who have appeared in this case.
B.L.R. 9022-1(a).